



Request for Reconsideration
Serial No. 10/500,287
Attorney Docket No. 042424

REMARKS

Claims 1-2 and 4-9 are pending in the present application. Claim 1 is the only independent claim.

In the Office Action, claims 1 and 5-9 are rejected under 35 U.S.C. 103(a) as obvious over US 6,400,433 to Arakawa et al. ("Arakawa") in view of US 6,657,690 to Hashimoto ("Hashimoto") and further in view of US 6,773,766 to Meyer et al. ("Meyer").

Further, claim 2 is rejected under 35 U.S.C. 103(a) as obvious over Arakawa in view of Hashimoto and Meyer, and further in view of US 6,685,998 to Nishikawa et al. ("Nishikawa"), and claim 4 is rejected under 35 U.S.C. 103(a) as obvious over Arakawa in view of Hashimoto and Meyer, and further in view of US 6,580,483 to Suzuki et al. ("Suzuki").

It is alleged in the Office Action that Arakawa discloses an optical element comprising a polarizing film (referring to P on Fig. 7 of Arakawa), a compensating film comprising a liquid crystal (referring to A on Fig. 7 of Arakawa), and a compensating film comprising a stretched film (referring to B on Fig. 7 of Arakawa), and that Hashimoto suggests retardation values and Meyer suggests cholesteric materials.

The rejection is respectfully traversed. Contrary to the interpretation in the Office Action, Arakawa does not describes a cholesteric liquid crystal layer at col. 7, line 41 and col. 20, lines 32-25, but it refers to a $\lambda/4$ plate including an optically compensating A-layer and an optically compensating B-layer, where the A-layer of Arakawa is formed of discotic liquid crystal molecules, while the B-layer of Arakawa is formed of a polymer film. Furthermore, Arakawa

proposes compounds (D1)-(D15) and the like as the discotic liquid crystal molecules. These compounds have stereoscopically-rigid and planar structures. In particular, a twisted discotic structure is provided by oriented discotic molecules, as illustrated, for example, on Fig. 3 of Arakawa. This twisted discotic structure is very different from a cholesteric structure, which denotes a nematic phase twisted with a chiral dopant, usually by polymerizing a chain-like molecule and a chiral dopant.

Further, Meyer relates to cholesteric liquid crystal molecules (i.e., chiral nematic phase) whereas Arakawa is in the field of discotic liquid crystal (i.e., chiral discotic phase). Accordingly, there would have been no motivation to refer to Meyer in order to modify Arakawa. Specifically, a chiral nematic structure is very different from the chiral discotic phase of Arakawa (as illustrated in particular on Fig. 3 of Arakawa). Thus, a person of ordinary skill in the art would not have found any motivation to refer to Meyer, and would not have found any guidance on whether a chiral discotic phase of film A in Arakawa could be replaced by a chiral nematic liquid crystal as in Meyer. In particular, both Meyer nor Arakawa are completely silent regarding such modification, so they could not have provided adequate motivation and guidance to modify Arakawa to use cholesteric liquid crystal.

In addition, Hashimoto does not describe characteristics of $20 \text{ nm} \leq R_e \leq 300 \text{ nm}$ and $1.2 \leq R_{th}/R_e$ with respect to a construction as recited in the present claims, because Hashimoto relates to an optical compensatory sheet comprising an optically uniaxial or optically biaxial transparent film and an optically anisotropic layer formed from discotic liquid crystal molecules

(see Hashimoto at claim 2). As noted above, even though they are both liquid crystals, the structures of chiral discotic liquid crystal and cholesteric liquid crystal are significantly different from each other. Thus, there would have been no motivation to combine Arakawa with Hashimoto to arrive at the present invention. Even if, *arguendo*, a person of the art had attempted to combine Arakawa and Hashimoto, any combination of Arakawa and Hashimoto would not have used cholesteric liquid crystal but discotic liquid crystal.

In contrast, the presently claimed invention uses an optically compensating A-layer and an optically compensating B-layer, and the optically compensating B-layer contains cholesteric liquid crystal molecules, with the features as recited in present claim 1. Arakawa is completely silent regarding such construction, and the other cited references fail to remedy this deficiency. Therefore, the present claims are not obvious over the cited references taken alone or in any combination.

In addition, with respect to the dependent claims, it is submitted that the cited references fail to teach or suggest the combined features of these respective claims. Therefore, each of the dependent claims is not obvious over the cited references taken alone or in any combination.

In view of the above, it is submitted that the rejections should be withdrawn.

In conclusion, the invention as presently claimed is patentable. It is believed that the claims are in allowable condition and a notice to that effect is earnestly requested.

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If there is, in the Examiner's opinion, any outstanding issue and such issue may be resolved by means of a telephone interview, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

If this paper is not considered to be timely filed, the Applicants hereby petition for an appropriate extension of the response period. Please charge the fee for such extension and any other fees which may be required to our Deposit Account No. 50-2866.

Respectfully submitted,

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